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SENATE BILL 274  
43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997  
INTRODUCED BY  
RICHARD M ROMERO

FOR THE ELECTION CODE RECODIFICATION COMMITTEE

AN ACT

RELATING TO ELECTIONS; MOVING THE TIME THAT LOCAL SCHOOL BOARD,  
BRANCH COMMUNITY COLLEGE BOARD, TECHNICAL AND VOCATIONAL  
INSTITUTE BOARD AND AREA VOCATIONAL SCHOOL BOARD ELECTIONS ARE  
HELD; AMENDING SECTIONS OF THE ELECTION CODE AND THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-22-3 NMSA 1978 (being Laws 1985,  
Chapter 168, Section 5) is amended to read:

"1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF  
CANDIDATES. --

A. A school district election shall be held in each  
school district to elect qualified persons to membership on a  
local school board. No person shall become a candidate for  
membership on a board unless his record of voter registration  
shows that he is a qualified elector of the state and a resident

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1 of the school district in which he is a candidate.

2 B. A regular school district election shall be held  
3 in each school district on the [~~first Tuesday in February~~]  
4 second Tuesday in November of each odd-numbered year.

5 C. A school district election held at any time other  
6 than the date for the regular school district election shall be  
7 a special school district election.

8 D. Except as otherwise provided in the School  
9 Election Law, school district elections shall be called,  
10 conducted and canvassed as provided in the Election Code."

11 Section 2. Section 1-22-4 NMSA 1978 (being Laws 1985,  
12 Chapter 168, Section 6, as amended) is amended to read:

13 "1-22-4. REGULAR ELECTION--PROCLAMATION--PUBLICATION.--

14 A. The board shall by resolution issue a public  
15 proclamation in Spanish and English calling a regular school  
16 district election within the school district on the date  
17 prescribed by the School Election Law. The proclamation shall  
18 be filed by the superintendent with the county clerk of record  
19 on the [~~last Friday in November~~] first Friday in September of  
20 the [~~even-numbered~~] odd-numbered year immediately preceding the  
21 date of the election.

22 B. The proclamation shall specify:

- 23 (1) the date when the election will be held;  
24 (2) the positions on the board to be filled;  
25 (3) the date on which declarations of candidacy

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- 1 are to be filed;
- 2 (4) the date on which declarations of intent to
- 3 be a write-in candidate are to be filed;
- 4 (5) the questions to be submitted to the
- 5 voters;
- 6 (6) the precincts in each county in which the
- 7 election is to be held and the location of each polling place;
- 8 (7) the hours each polling place will be open;
- 9 and
- 10 (8) the date and time of the closing of the
- 11 registration books by the county clerk of record as required by
- 12 law.

13 C. After [filing] the proclamation is filed by the  
14 superintendent with the county clerk of record and not less than  
15 fifty days before the date of the election, the county clerk of  
16 record shall publish the proclamation at least once in a  
17 newspaper of general circulation within the school district.  
18 The publication of the proclamation shall conform to the  
19 requirements of the federal Voting Rights Act of 1965, as  
20 amended. "

21 Section 3. Section 1-22-7 NMSA 1978 (being Laws 1985,  
22 Chapter 168, Section 9) is amended to read:

23 "1-22-7. DECLARATION OF CANDIDACY-- FILING DATE-- PENALTY. --

24 [~~A. A declaration of candidacy for membership on the~~  
25 ~~board to be filled at a regular school district election shall~~

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1 ~~be filed with the proper filing officer during the period~~  
2 ~~commencing at 9:00 a.m. on the third Tuesday in December of the~~  
3 ~~even-numbered year immediately preceding the date of the regular~~  
4 ~~school district election and ending at 5:00 p.m. on the same~~  
5 ~~day.~~

6 ~~B. A declaration of candidacy for membership on the~~  
7 ~~board to be filled at a special school district election shall~~  
8 ~~be filed with the proper filing officer during the period~~  
9 ~~commencing at 9:00 a.m. on the forty-eighth day before the~~  
10 ~~election and ending at 5:00 p.m. on the same day.]~~

11 A. A person seeking a school board position that  
12 will be filled at a regular school district election shall file  
13 a declaration of candidacy with the proper filing officer  
14 between the hours of 9:00 a.m. and 5:00 p.m. on the fourth  
15 Tuesday in September of the odd-numbered year immediately  
16 preceding the date of that election.

17 B. A person seeking a school board position that  
18 will be filled at a special school district election shall file  
19 a declaration of candidacy with the proper filing officer  
20 between the hours of 9:00 a.m. and 5:00 p.m. on the forty-eighth  
21 day before the election.

22 C. Any person who knowingly [~~making~~] makes a false  
23 statement in his declaration of candidacy is guilty of a fourth  
24 degree felony. "

25 Section 4. Section 3-8-9 NMSA 1978 (being Laws 1985,

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1 Chapter 208, Section 17, as amended) is amended to read:

2 "3-8-9. ELECTION SCHEDULING--CONFLICTS--NOTICE.--

3 A. Except as otherwise provided by law, no municipal  
4 election shall be held within [~~forty-two~~] thirty days prior to  
5 or within [~~thirty~~] twenty-five days after any statewide special,  
6 general or primary election or any regular school district  
7 election. Whenever a municipal election would be or has been  
8 scheduled within the prohibited time, the governing body shall  
9 adopt an election resolution scheduling or rescheduling the  
10 election on a date as soon as is practicable outside the  
11 prohibited period and in compliance with the requirements of the  
12 Municipal Election Code and any other statute specifically  
13 related to such election. If an election resolution has already  
14 been adopted, the new election resolution shall supersede the  
15 existing election resolution and the new election resolution  
16 shall be published as required by the Municipal Election Code.

17 B. Except as otherwise provided by law, one or more  
18 municipal special elections, including but not limited to bond  
19 elections, may be held in conjunction with a regular municipal  
20 election or one or more special municipal elections.

21 C. When concurrent elections are called for,  
22 publications, notices, selection of precinct boards, election  
23 schools, ordering election supplies, conduct of the election,  
24 canvassing, record keeping and all other election matters shall  
25 be conducted to comply with all election requirements for each

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1 such election as if it were held separately. However, any  
2 requirement may be satisfied by a combined action if such action  
3 would satisfy the requirements set by law for each individual  
4 election. Allowable combined actions include but are not  
5 limited to, combined:

- 6 (1) publications;
- 7 (2) notices;
- 8 (3) appointment of precinct boards;
- 9 (4) ordering of election supplies;
- 10 (5) conduct of election;
- 11 (6) canvassing; and
- 12 (7) record keeping. "

13 Section 5. Section 21-14-2.1 NMSA 1978 (being Laws 1985,  
14 Chapter 238, Section 29) is amended to read:

15 "21-14-2.1. BRANCH COMMUNITY COLLEGE BOARD--LOCAL  
16 OPTION. --

17 A. A majority of the local board of education or the  
18 combined boards of education acting as a single board may cease  
19 to operate as the branch community college board and provide for  
20 an elected branch community college board. In that event, the  
21 majority of the local board of education or the combined boards  
22 of education acting as a single board shall elect five persons  
23 as members of the branch community college board. The persons  
24 elected shall be assigned position numbers one through five.  
25 Board members shall be over twenty-one years of age, qualified

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1 electors and residents of the branch community college district.  
2 The members of the board shall continue to serve until the next  
3 regular branch community college election, to be held on the  
4 [~~first Tuesday of February~~] second Tuesday of November of each  
5 odd-numbered year, at which time five board members shall be  
6 elected by the registered voters of the branch community college  
7 district. The candidates shall file for and be elected to a  
8 particular position number. The candidate receiving the highest  
9 number of votes for a particular position shall be elected. At  
10 the first board meeting after the election, the five members  
11 shall draw lots for the following terms: two for terms of two  
12 years and three for terms of four years. Thereafter, board  
13 members shall be elected for terms of four years from [~~March 1~~]  
14 December 1 succeeding their election. All vacancies caused in  
15 any other manner than by the expiration of the term of office  
16 shall be filled by appointment by the remaining members.

17 B. Immediately after the election of the five  
18 members by the assembled board of education members, the board  
19 shall select from its members a chairman and secretary who shall  
20 serve in these offices until the next regular branch community  
21 college board election. After each branch community college  
22 board election, the members shall proceed to reorganize.

23 C. The duties of the board shall continue as set out  
24 in Chapter 21, Article 14 NMSA 1978. "

25 Section 6. Section 21-16-5 NMSA 1978 (being Laws 1963,

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1 Chapter 108, Section 5, as amended) is amended to read:

2 "21-16-5. BOARD. --

3 A. The initial board of ~~[the]~~ a technical and  
4 vocational institute district shall be composed of:

5 (1) the board of the initiating school  
6 district, if only one school district is involved; or

7 (2) if more than one school district is  
8 involved in the initiation of the technical and vocational  
9 institute district, one member delegated from each participating  
10 school board. If there are an even number of participating  
11 school districts, the boards of all participating school  
12 districts shall jointly appoint an additional member to the  
13 governing board of the technical and vocational institute  
14 district, who shall serve as a member at large.

15 B. At the second school board election held pursuant  
16 to Section 1-22-3 NMSA 1978 following the creation of the  
17 technical and vocational institute district, an election shall  
18 be held to elect seven members to the institute board to replace  
19 the members holding office under the provisions of Subsection A  
20 of this section.

21 (1) Except where specific provision is  
22 otherwise provided by law, all election proceedings for  
23 institute district elections shall be conducted pursuant to the  
24 provisions of the School Election Law with the president of the  
25 technical and vocational institute serving in the place of the

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1 superintendent of schools in every case.

2 (2) The board shall consist of seven separate  
3 positions, and each position shall be designated by number.  
4 Qualified electors seeking election to the board shall file and  
5 run for only one of the numbered positions.

6 (3) At the second school board election to be  
7 held following the creation of the technical and vocational  
8 institute district, members of the board elected to positions 1,  
9 3, 5 and 7 shall be elected for two-year terms and members  
10 elected to positions 2, 4 and 6 shall be elected for four-year  
11 terms. Thereafter, each board member shall be elected for a  
12 term of four years. The elections shall be held in the same  
13 manner and at the same time as regular school district elections  
14 on the [~~first Tuesday in February~~] second Tuesday in November of  
15 each odd-numbered year.

16 C. A vacancy occurring on the board shall be filled  
17 in the same manner as provided for school board vacancies in  
18 Section 22-5-9 NMSA 1978. "

19 Section 7. Section 21-17-4 NMSA 1978 (being Laws 1967,  
20 Chapter 177, Section 4, as amended) is amended to read:

21 "21-17-4. DESIGNATION AS AN AREA VOCATIONAL SCHOOL BY THE  
22 STATE BOARD. --

23 A. Upon receipt and examination of the plan and  
24 supporting evidence, the state board shall conduct hearings,  
25 investigate records and procure such other information relating

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1 to vocational training as it deems necessary and appropriate.

2 B. If the state board finds that the plan provides  
3 an adequate, broad vocational and technical educational program,  
4 serves sufficient students for an economical operation, provides  
5 for adequate financing and sensibly relates to a statewide  
6 pattern for development of vocational and technical education,  
7 the state board may approve the plan.

8 C. Upon approval by the state board the board of  
9 each school district concerned shall present the proposal for  
10 the creation of an area vocational school district on a separate  
11 ballot at the time of the next school board election or at any  
12 separate election called for that purpose. If a majority of  
13 those qualified ad valorem tax paying electors who are not  
14 delinquent in the payment of their ad valorem tax, voting in the  
15 election in each school district concerned, ~~[vote]~~ votes in  
16 favor of establishing an area vocational school district, the  
17 board of each school district concerned shall declare the  
18 organization of the area vocational school district.

19 D. After approval by the state board of the plan,  
20 the school shall be officially designated by the state board as  
21 an area vocational school, shall be operated in accordance with  
22 provisions in the state plan for vocational education and shall  
23 meet all other requirements of an accredited school.

24 E. At the next school board election held pursuant  
25 to ~~[Section 22-6-1 NMSA 1978]~~ Section 1-22-3 NMSA 1978, an

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1 election may be held to elect five members to the area  
2 vocational school board to replace the local school board as the  
3 governing board of the area vocational school.

4 (1) Except where specific provision is  
5 otherwise provided by law, all election proceedings for area  
6 vocational school elections shall be conducted pursuant to the  
7 [~~provisions of Sections 22-6-1 through 22-6-34 NMSA 1978~~] School  
8 Election Law with the president of the area vocational school  
9 serving in the place of the superintendent of schools in every  
10 case.

11 (2) The board shall consist of five separate  
12 positions, and each position shall be designated by number.  
13 Qualified electors seeking election to the board shall file and  
14 run for only one of the numbered positions.

15 (3) [~~At the next regular school board election,~~  
16 ~~members of the board elected to positions 1, 3 and 5 shall be~~  
17 ~~elected for terms ending February 28, 1989, and members elected~~  
18 ~~to positions 2 and 4 shall be elected for terms ending February~~  
19 ~~28, 1991. Thereafter, each~~] A board member shall be elected for  
20 a term of four years. The elections shall be held in the same  
21 manner and at the same time as regular school district elections  
22 on the [~~first Tuesday in February~~] second Tuesday in November of  
23 each odd-numbered year [~~beginning with the election to be held~~  
24 ~~in February of 1987~~].

25 F. A vacancy occurring on the board shall be filled

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1 in the same manner as provided for school board vacancies in  
2 Section 22-5-9 NMSA 1978.

3 G. A member of the board may be recalled pursuant to  
4 the provisions of [~~Sections 22-7-1 through 22-7-16 NMSA 1978~~  
5 ~~except that a recall election may be held only at the same time~~  
6 ~~as a regular school district election]~~ Article 12, Section 14 of  
7 the constitution of New Mexico "

8 Section 8. Section 22-5-8 NMSA 1978 (being Laws 1967,  
9 Chapter 16, Section 31, as amended) is amended to read:

10 "22-5-8. TERM OF OFFICE. --

11 A. The full term of office [~~of~~] for a member of a  
12 local school board shall be four years from [~~March 1~~]  
13 December 1 succeeding his election to office at a regular school  
14 district election.

15 B. Any member of a local school board whose term of  
16 office has expired shall continue in that office until his  
17 successor is elected and qualified. "

18 Section 9. TEMPORARY PROVISION--TERM OF OFFICE.--The term  
19 of office for a local school board member, a branch community  
20 college board member, a member of a board of a technical and  
21 vocational institute or an area vocational school board member  
22 that would have expired on March 1, 1999, shall be extended  
23 until December 1, 1999. On that date, the term of office of his  
24 successor elected on the new election day of the second Tuesday  
25 in November shall begin. All subsequent terms of office shall

1 be for the regular term.

2 Section 10. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 1997.

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1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4

5 February 25, 1997  
6

7 Mr. President:  
8

9 Your RULES COMMITTEE, to whom has been referred  
10

11 SENATE BILL 274  
12

13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, and thence referred to the  
15 PUBLIC AFFAIRS COMMITTEE.  
16

17 Respectfully submitted,  
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21 \_\_\_\_\_  
22 Gloria Howes, Chairman  
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25 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Gorham

Absent: None

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[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4

5 February 25, 1997  
6

7 Mr. President:  
8

9 Your RULES COMMITTEE, to whom has been referred  
10

11 SENATE BILL 274  
12

13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, and thence referred to the  
15 PUBLIC AFFAIRS COMMITTEE.  
16

17 Respectfully submitted,  
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22 Gloria Howes, Chairman  
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25 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Gorham

Absent: None

S0274RU1

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[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 16, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

SENATE BILL 274

has had it under consideration and reports same WITHOUT  
RECOMMENDATION.

Respectfully submitted,

\_\_\_\_\_  
Shannon Robinson, Chairman

Adopted \_\_\_\_\_

(Chief Clerk)

Not Adopted \_\_\_\_\_

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Adair, Boitano, Vernon

Absent: None

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Underscored material = new  
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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 20, 1997

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7 Mr. Speaker:

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9 Your VOTERS AND ELECTIONS COMMITTEE, to whom has been  
10 referred

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12 SENATE BILL 274

13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, amended as follows:

15  
16 1. On page 11, line 19, strike "A" and insert in lieu thereof:

17  
18 "At the school board election following the designation of a school as  
19 an area vocational school by the state board, members of the board  
20 elected to positions 1, 3 and 5 shall be elected for two-year terms and  
21 members elected to positions 2 and 4 shall be elected for four-year  
22 terms. Thereafter, each".

23 2. On page 12, line 22, strike the comma and insert in lieu  
24 thereof ", or March 1, 2001,".

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HVEC/SB 274

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3. On page 12, line 23, strike the period, strike "On that date," and insert in lieu thereof "and until December 1, 2001, respectively. On those dates,".

Respectfully submitted,

\_\_\_\_\_  
Edward C. Sandoval, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Buffett, Lujan, Madalena, Nicely, Sanchez

Absent: None

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